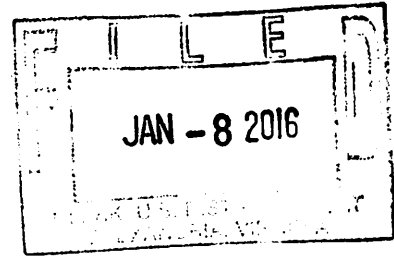


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION



KEITH T. SAYLOR

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 1:16-cv-00032 CMH/IDD  
(Removed from the Circuit Court of  
Loudoun County, Virginia, Case No.  
107CL00097515-00)

**NOTICE OF REMOVAL**

Defendant Bank of America, N.A. (the "Bank"), by counsel, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, hereby notices removal of the state court civil action known as *Keith T. Saylor v. Bank of America, N.A.*, Case No. 107CL00097515-00, (the "Complaint"), from the Circuit Court of Loudoun County, Virginia (the "State Court") to the United States District Court for the Eastern District of Virginia, Alexandria Division. In support of removal, the Bank states as follows:

1. Plaintiff Keith T. Saylor ("Plaintiff") filed the Complaint against the Bank on or about November 25, 2015. A true and correct copy of the Complaint is attached hereto as Exhibit A.
2. Except for the notice of filing this Notice of Removal, as of the date of this filing, no pleadings, motions or papers other than the Complaint, have been filed in the state court civil action.

3. As set forth more fully below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1441, because the Bank has satisfied the procedural requirements for removal and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331.

### **GROUND FOR REMOVAL**

#### **I. Removal Is Proper Because This Court Has Subject Matter Jurisdiction Under 28 U.S.C. § 1331.**

4. United States District Courts are vested with jurisdiction to consider cases or controversies “arising under” the laws of the United States of America. *See* 28 U.S.C. § 1331.

5. Removal of such cases is governed by 28 U.S.C. § 1441(a). Section 1441(a) provides that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” *See* 28 U.S.C. § 1441(a).

6. This is a civil action wherein Plaintiff seeks actual, statutory and punitive damages, attorney fees, prejudgment interest, and costs based upon claims of violation of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 *et seq.* *See* Ex. A (Compl. ¶ 1). A copy of all process, pleadings, and orders served on the Bank in this action prior to the filing of this Notice of Removal is attached as Exhibit A.

7. Plaintiff’s Complaint, alleging violation of a federal statute, the FCRA, arises under the laws of the United States, and thus this Court has federal question jurisdiction. *See* 28 U.S.C. § 1331.

#### **II. The Bank Has Satisfied The Procedural Requirements For Removal.**

8. A copy of the Summons and Complaint were served upon the registered agent of the Bank on December 18, 2015, less than 30 days before the filing of this Notice of Removal.

9. This Notice of Removal is timely because it is filed within 30 days of service of the state court Complaint. 28 U.S.C. § 1446(b)(3).

10. Venue is proper in the Eastern District of Virginia, Alexandria Division, because it is the district and division embracing Loudoun County, Virginia, the place where Plaintiff's state court civil action is pending. *See* 28 U.S.C. §§ 1441 and 1446(a).

11. No previous request has been made for the relief requested herein.

12. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal, together with all Exhibits, is being promptly filed in the Circuit Court, Loudoun County, Virginia. *See* Notice of Filing Notice of Removal (attached as Exhibit B). Written notice of the filing of this Notice of Removal also will be promptly provided to counsel for Plaintiff.

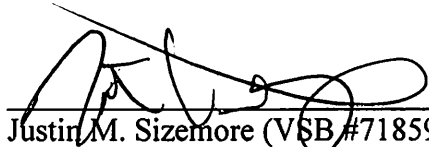
WHEREFORE, Defendant Bank of America, N.A., gives notice that the above-referenced action, *Keith T. Saylor v. Bank of America, N.A.*, Case No. 107CL00097515-00, originally filed in the Circuit Court, Loudoun County, Virginia, is hereby removed to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. §§ 1441, and 1446, and the Bank requests that this Court retain jurisdiction for all further proceedings in this matter.

DATED: January 7, 2016

Respectfully submitted,

BANK OF AMERICA, N.A.

*By Counsel*



Justin M. Sizemore (VSB #71859)

Travis A. Sabalewski (VSB #47368)

REED SMITH LLP

Riverfront Plaza, West Tower

901 East Byrd Street, Suite 1700

Richmond, Virginia 23219

Telephone: (804) 344-3400

Facsimile: (804) 344-3410

[jsizemore@reedsmith.com](mailto:jsizemore@reedsmith.com)

[tsabalewski@reedsmith.com](mailto:tsabalewski@reedsmith.com)

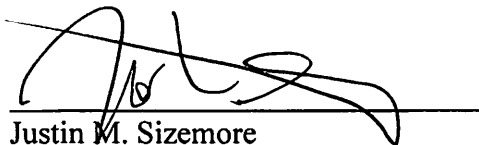
*Counsel for Bank of America, N.A.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of January, 2016, a true and correct copy of the foregoing was served by first class mail, postage prepaid:

Earnest P. Francis, Esquire  
EARNEST P. FRANCIS, LTD  
505 Wythe Street  
Alexandria, VA 22314  
[epfrancisltd@verizon.net](mailto:epfrancisltd@verizon.net)

*Counsel for Plaintiff Keith T. Saylor*



Justin M. Sizemore